

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>v.</b>	)	
	)	<b>CRIMINAL CASE NO.1:11-CR-161-1</b>
<b>JOHNNY REID EDWARDS</b>	)	
	)	
	)	

**JOHN EDWARDS' MOTION TO DISMISS COUNT 1 -- CONSPIRACY  
(Motion to Dismiss No. 4)**

Pursuant to Federal Rule of Criminal Procedure Rule 12(b)(3), and the Fifth and Sixth Amendments to the Constitution, Mr. Edwards moves to dismiss Count 1 of the Indictment because it improperly charges a "rimless wheel" conspiracy and fails to allege that all co-conspirator joined the same conspiracy.

Dated: September 6, 2011

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### **CERTIFICATE OF SERVICE**

I hereby certify that on September 6, 2011, I electronically filed the foregoing **MOTION TO DISMISS COUNT 1 – CONSPIRACY (Motion to Dismiss No. 4)** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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